



Chairperson: Bob Wyatt, NW Natural
Treasurer: Fred Wolf, Legacy Site Services for Arkema

February 6, 2009

Chip Humphrey
Eric Blischke
U.S. Environmental Protection Agency, Region 10
805 SW Broadway, Suite 500
Portland, OR 97205

Re: Response to EPA Comments on Comprehensive Round 2 Report Table 5.1-2 (EPA Letter Dated January 21, 2009) (Lower Willamette River, Portland Harbor Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)

Chip and Eric:

LWG has reviewed EPA's comments on the LWG's Source Table (Comprehensive Round 2 Report Table 5.1-2, Letter dated January 21, 2009). EPA comments and LWG's responses are provided in the attached table. The comments and responses include EPA's original general comments dated November 4, 2008, LWG's initial response dated December 17, 2008, and EPA's comments dated January 21, 2009, so that the entire conversation can be viewed.

LWG has accepted most of these general comments, however, we recommend that comments G4 (Migration Pathway Screening) and G5 (inclusion of TSCA, RCRA and historical sites) be deferred to the development of the Feasibility Study sediment management area (SMA) conceptual site model (CSM) process. LWG strongly believes that two comments, G3b (overwater facility evaluation) and G7 (sites without groundwater data) are not the responsibility of LWG. Specifically, paragraph V.1. of the Administrative Settlement Agreement And Order On Consent For Remedial Investigation/Feasibility Study ("ASAOC") provides that:

"RI/FS work for uplands facilities is being or will be conducted pursuant to separate agreements or orders issued by DEQ or EPA and is not covered by this Order which is for the in-water portion of the Site."

Section 7.4 of the Scope of Work ("SOW") provides as follows:

"Respondents will identify source areas that are contributing to contamination to the in-water portion of the Site. Although DEQ is primarily responsible for the control of upland contaminant sources to the Site, as part of the RI/FS, Respondents shall evaluate the distributions of sediment contaminants and, if appropriate (e.g., if the sediment data suggests the presence of an ongoing source), make recommendations to EPA and DEQ if the need for further investigation or control of sources is identified."

Comments G3b and G7 go beyond the scope of what is called for from the LWG under the ASAO and SOW. As described in the attached table, the issues raised by EPA's comments are the same issues that DEQ is already investigating under the EPA/DEQ Joint Source Control Strategy (JSCS). The LWG intends to utilize information developed by DEQ through the JSCS in the FS.

In the first paragraph of the January 21, 2009 letter, we note that EPA expects that all other comments provided in our November 4, 2008 comment letter will be addressed. These other comments refer to comments on individual entries to the table. LWG has reviewed the specific comments on the source table and has accepted most of EPA's recommendations, however, some adjustments were made based on specific information regarding site conditions. Any such changes made will be documented in an appendix to the RI report. The overwater pathway will be evaluated as described under Comment G3a.

Sincerely,



Bob Wyatt

cc: Confederated Tribes and Bands of the Yakama Nation
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of Siletz Indians of Oregon
 Confederated Tribes of the Umatilla Indian Reservation
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Nez Perce Tribe
 Oregon Department of Fish & Wildlife
 United States Fish & Wildlife
 Oregon Department of Environmental Quality
 LWG Legal
 LWG Repository